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9  
10 **UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

11 JANET BROWN, an individual; LAURA  
12 MELENDEZ, an individual; and JOHN  
13 BRADLEY BROWN, an individual,

3:19-cv-00207-MMD-WGC

14 Plaintiffs,

**JOINT CONFERENCE REPORT  
SPECIAL SCHEDULING REVIEW  
REQUESTED**

15 vs.

16 UNITED STATES OF AMERICA,

17 Defendant.  
18 \_\_\_\_\_/

19 Plaintiffs and the United States, through counsel, jointly certify that they conferred and hereby  
20 submit their Joint Conference Report in accordance with Federal Rules of Civil Procedure (“Rules”) 16 and 26(f) and Local Rule 26-1. Special review is requested to accommodate the Related Actions, as  
21 that term is defined later.  
22

23 **I. CASE BACKGROUND AND RELATED CASES**

24 This case stems from the loss of life of two individuals who were aboard an aircraft on approach  
25 to the Reno/Tahoe International Airport (“RNO”) on August 30, 2016. Plaintiffs, the pilot’s spouse  
26

1 and children, allege the FAA caused the pilot's wrongful death. The United States denies these  
2 allegations and asserts that pilot error caused the crash.

3 Individuals related to the passenger in the aircraft have filed lawsuits against the United States  
4 under the Federal Tort Claims Act based upon the same set of facts and circumstances. Specifically,  
5 the passenger's minor children, by and through their mother, filed a lawsuit against the United States  
6 on July 7, 2019 as case number C:19-cv-00383 (the "383 Action"). Megan Romo Elliker, individually  
7 and as Executor of the Estate of James Elliker, filed, but has not yet served, a lawsuit against the United  
8 States on July 22, 2019 as case number 3:19-cv-00418 (the "418 Action"). Finally, the passenger's  
9 adult children, Dustin Elliker and Katelynn Hansen, filed, but has not yet served, a lawsuit against the  
10 United States on July 24, 2019 as case number 3:19-cv-00424 (the "424 Action").

11 The parties intend to file a *Joint Motion to Consolidate*, seeking to consolidate the 383 Action,  
12 the 418 Action, and the 424 Action (collectively, the "Related Actions") into this lawsuit. The parties  
13 therefore propose postponing setting the discovery plan and proposed schedule until the *Joint Motion*  
14 *to Consolidate* is heard, the defendant has filed a responsive pleading in all cases, and all parties can  
15 jointly participate in a Rule 26(f) conference in this consolidated matter.

## 16 **II. PROPOSED DISCOVERY PLAN**

17 The parties wish to stay all discovery until the Related Actions have been consolidated into this  
18 action, or until a Court order has precluded consolidation of one or more of the Related Actions. The  
19 parties have discussed exchanging initial disclosures in the interim and will continue such discussions  
20 and preliminary, informal discovery efforts to facilitate a prompt resolution of this dispute.

## 21 **III. PROPOSED DISCOVERY SCHEDULE**

22 The parties wish to stay all discovery and postpone preparing a discovery schedule until the  
23 Related Actions have been consolidated into this action, or until a Court order has precluded  
24 consolidation of one or more of the Related Actions. The parties desire to have one discovery plan and  
25 one discovery schedule for all of the cases arising from this accident.

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1       **IV. CERTIFICATIONS**

2           1.       **Alternative Dispute Resolution.** The parties certify that they met and conferred about  
3 the possibility of using alternative dispute-resolution processes including mediation, arbitration, and, if  
4 applicable, early neutral evaluation.

5           2.       **Alternative Forms of Action Disposition.** The parties certify that they considered  
6 consent to trial by a magistrate judge under 28 USC 636(c) and Rule 73 and the use of the Short Trial  
7 Program.

8           3.       **Electronic Evidence.** The parties certify that they have discussed the presentation of  
9 evidence in digital format, regardless of whether this matter proceeds to a bench or jury trial.

10 DATED this 15th day of August, 2019.

11                               JOSEPH H. HUNT  
12                               Assistant Attorney General  
13                               Civil Division

14                               NICHOLAS A. TRUTANICH  
15                               United States Attorney

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15                               GREG ADDINGTON  
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18 /s/ Robert J. Gross  
19 ROBERT J. GROSS  
20 Senior Trial Counsel  
21 Aviation, Space & Admiralty Litigation  
22 Torts Branch, Civil Division  
23 U.S. Department of Justice  
24 *Attorneys for Defendant United States of America*

25 IT IS SO ORDERED:

26 

UNITED STATES MAGISTRATE JUDGE

DATED: August 16, 2019.